

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1069

Short Title: Notification to Treat Minors/12 or Younger. (Public)

Sponsors: Representatives Stevens, Randleman (Primary Sponsors); Burris-Floyd, Cleveland, Frye, Gillespie, Hilton, Hurley, Johnson, McCormick, McElraft, Moore, Sager, Samuelson, and Starnes.

Referred to: Judiciary I, if favorable, Health.

April 6, 2009

A BILL TO BE ENTITLED

AN ACT REQUIRING PHYSICIANS TO NOTIFY THE PARENT OR GUARDIAN OF A MINOR TWELVE YEARS OF AGE OR YOUNGER AFTER TREATING THE MINOR FOR VENEREAL DISEASE, PREGNANCY, ABUSE OF CONTROLLED SUBSTANCES OR ALCOHOL, OR EMOTIONAL DISTURBANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-21.4(b) reads as rewritten:

"(b) The physician shall ~~not~~ notify a parent, legal guardian, person standing in loco parentis, or a legal custodian other than a parent of a minor 12 years of age or younger when granted specific authority in a custody order to consent to medical or psychiatric treatment, without the permission of the minor, concerning the medical health services set out in ~~G.S. 90-21.5(a)~~, G.S. 90-21.5(a) after treating the minor, unless the situation notification would, in the opinion of the attending physician indicates that notification is essential to physician, pose a serious risk to the life or physical health of the minor. Notification shall be given within 48 hours after the minor receives the treatment. If a parent, legal ~~guardian~~, guardian, person standing in loco parentis, or a legal custodian other than a parent when granted specific authority in a custody order to consent to medical or psychiatric treatment contacts the physician concerning the treatment or medical services being provided to the minor, the physician ~~may~~ shall give information."

SECTION 2. G.S. 90-21.5 reads as rewritten:

"§ 90-21.5. Minor's consent sufficient for certain medical health ~~services~~ services; exception.

(a) Any minor older than 12 years of age may give effective consent to a physician licensed to practice medicine in North Carolina for medical health services for the prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional ~~disturbance~~ disturbance, if the physician notifies the minor's parent, legal guardian, person standing in loco parentis, or a legal custodian other than a parent when granted specific authority in a custody order to consent to medical or psychiatric treatment within 48 hours after the minor receives the services. This section does not authorize the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-222. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-222.



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1 (b) Any minor who is emancipated may consent to any medical treatment, dental and
2 health services for himself or for his child."

3 **SECTION 3.** This act is effective when it becomes law.